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**REMARKS**

Reconsideration of this application is respectfully requested.

Claims 1, 25 and 29 have been amended by reciting that the matting agent is present in an amount  $\geq 10\%$  by weight of the matted layer. Support for such language is found in the specification on page 8 at lines 24 to 25 and in the Examples. There has been no change in substance and no new matter is involved.

With respect to Application No. 10/507,950 of common ownership to be abandoned, Assignee declares that the inventive entity of the subject matter presently claimed is the prior inventor.

The rejection of Claims 1 through 74 as being anticipated by Ueda et al. (EP 465 034 A1), under 35 U.S.C. 102(b), is respectfully traversed. Independent Claims 1, 25 and 29 have now been amended to specifically recite that the matting agent is present in an amount  $\geq 10\%$  by weight of the matted layer. Claims 1, 25 and 29 recite a photosensitive element comprising a support, at least one elastomeric photopolymerizable layer on the support that has a surface opposite the support defining a plane, and a matted layer disposed above the surface of the photopolymerizable layer. The matted layer comprises a polymeric binder and at least one *matting agent capable of forming depressions from the plane into the photopolymerizable layer* and selected from the group consisting of i) matting agents having a pore volume of greater than or equal to 0.9 ml/g; ii) matting agents having a BET surface of greater than or equal to 150 m<sup>2</sup>/g; iii) matting agents having an oil number of greater than or equal to 150g/100g; iv) matting agents having at least one crosslinkable group; and v) combinations thereof, wherein the matting agent is present in an amount of  $\geq 10\%$  by weight of the matted layer. In testing, Applicants evaluated a range of matting agent concentrations and found that at less than the 10% level, the matting agent was not capable of forming depressions from the plane into the photopolymerizable layer sufficiently to make a positive impact that would yield an improvement in print quality as shown in Applicants' Examples.

Ueda et al. disclose a photosensitive resin composition for flexographic printing. The photosensitive resin plate includes a substrate, a photosensitive resin layer formed on the substrate, and a resin matte layer formed on the photosensitive resin layer, wherein the resin matte layer contains a polymerization inhibiting

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material. Ueda et al. do not show or suggest that particles in the matte layer are selected from the group consisting of i) matting agents having a pore volume of greater than or equal to 0.9 ml/g; ii) matting agents having a BET surface of greater than or equal to 150 m<sup>2</sup>/g; iii) matting agents having an oil number of greater than or equal to 150g/100g; iv) matting agents having at least one crosslinkable group; and v) combinations thereof. Although there may appear to be some overlap in materials disclosed as particles by Ueda et al. with matting agents for the present invention, Applicants clearly describe and claim in Independent claims 1, 25 and 29 that the at least one matting agent must have one or more of the above described properties which includes pore volume, BET surface, oil number, or contain at least one crosslinkable group.

The Examiner has stated that the silica inorganic particles of Ueda et al. meet the present limitations for the matting agent because these properties are inherent characteristics that are expected to fall within the required ranges. The present invention is directed to a selection of matting agents having at least one specific property equal to or above a select value. While such characteristics as pore volume, BET surface, oil number may be typical properties of particles, Applicants have selected only those matting agents having at least one of these characteristics above or equal to a select value. Ueda et al. are silent to suitable characteristics of silica, as well as the type or even brand of silica used in the Examples. Only particle size is disclosed. Furthermore, Ueda et al. do not show or suggest that the particles are present in an amount  $\geq 10\%$  by weight of the matted layer *so that the matting agent is capable of forming depressions into the plane of the photopolymerizable layer* as recited in the present independent claims. Ueda et al. disclose that the silica is present only in low quantities (4% by weight in Examples 2 through 4).

The rejection of Claims 1 through 74 as being anticipated by Fujimoto et al. (U.S. 6,897,006 B2), under 35 U.S.C. 102(e), is respectfully traversed. Fujimoto et al. disclose a multilayered photosensitive material for use as a flexographic printing plate by direct patterning with an infrared laser beam. The multilayered material includes a substrate, a photosensitive resinous layer having sensitivity to light except infrared light, a barrier layer of a composition of a resin selected from polyvinyl pyrrolidones and alkali-soluble cellulose compounds, a masking layer of a film-forming resin and

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infrared absorbing compound and a compound removable by irradiation with infrared laser beam.

Fujimoto et al. do not show or suggest that particles of infrared absorbing compound or non-infrared shielding compounds in the masking layer, are selected from the group consisting of i) matting agents having a pore volume of greater than or equal to 0.9 ml/g; ii) matting agents having a BET surface of greater than or equal to 150 m<sup>2</sup>/g; iii) matting agents having an oil number of greater than or equal to 150g/100g; iv) matting agents having at least one crosslinkable group; and v) combinations thereof. Although there may appear to be some overlap in materials disclosed as infrared absorbing agents by Fujimoto et al. with matting agents for the present invention, Applicants clearly describe and claim in independent claims 1, 25 and 29 that the at least one matting agent must have a one or more of the above described properties which includes pore volume, BET surface, oil number, or contains a crosslinkable group equal to or above a select level. Even in an embodiment of the present invention where the matted layer may form an integrated masking layer that includes a material having high infrared absorption and a material that prevents the transmission of actinic radiation, it is clear that this embodiment of the matted layer still contains the matting agent and a polymeric binder. The materials with high infrared absorption and that prevent transmission of actinic radiation are not substitutes for or substituted by the matting agent.

The Examiner has stated that polyvinyl pyrrolidone meets the present limitations for the matting agent having at least one crosslinkable group. Applicants respectfully disagree. The present photosensitive element includes in the matted layer a polymeric binder and at least one matting agent. The matting agent is a particle that can be selected from a group in which one is a matting agent having at least one crosslinkable group. Clearly, Fujimoto et al. disclose a barrier layer that contains a *resinous compound* selected from polyvinyl pyrrolidones (Applicants' emphasis). A resinous compound having a crosslinking group (or not) in a barrier layer is not a teaching or even suggestion of a matted layer with a particulate matting agent having at least one crosslinkable group as is presently claimed. Furthermore, Fujimoto et al. do not show or suggest that the infrared absorbing agents are *matting agents that are capable of forming depressions into the plane of the photopolymerizable layer* as recited in the present independent claims.

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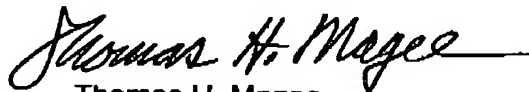
The rejection of Claims 1 through 74 as being anticipated by De Voeght et al. (U.S. 6,994,026 B2), under 35 U.S.C. 102(b), is respectfully traversed. De Voeght et al. disclose a method for preparation of a flexographic printing plate having a spacing agent in its top layer comprising insoluble polymeric beads. However, De Voeght et al. do not show or suggest that such beads have the specific characteristics of the matting agents as presently claimed including being present in an amount  $\geq 10\%$  by weight of the matted layer.

The rejection of Claims 1 through 74 as being unpatentable over Daems et al. (U.S. 6,551,759 B2) in view of any of Ueda et al., De Voeght et al., Bode et al. or Fujimoto et al., under 35 U.S.C. 103(a), is respectfully traversed. Daems et al. do not supply any of the above-described deficiencies of Ueda et al., De Voeght et al. and Fujimoto et al.

Patentability relies upon the distinctive limitations recited in present Claims 1, 25 and 29. Claims 2 through 24, 26 through 28, and 30 through 74, which directly depend or ultimately depend from Claims 1, 25 or 29, incorporate the patentable novelty of Claims 1, 25 and 29. Therefore, the allowance of Claims 2 through 24, 26 through 28, and 30 through 74 appears to be in order for at least the reasons given with respect to Claims 1, 25 and 29.

Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



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